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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

v.

T’N’ T Pizza, Inc. d/b/a Chuck E. Cheese,  
Defendant.

CIVIL ACTION NO. CV-07-135-BLG-RFC

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

1 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil  
2 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide  
3 appropriate relief to Kelsey Baldwin ("Ms. Baldwin") and similarly situated female employees  
4 who were adversely affected by such practices. The Equal Employment Opportunity  
5 Commission alleges that T'N T Pizza, Inc., d/b/a Chuck E. Cheese ("TNT") subjected Ms.  
6 Baldwin and similarly situated female employees to sexual harassment. Plaintiff seeks monetary  
7 and injunctive relief for Ms. Baldwin and a class of similarly situated female employees,  
8 including pecuniary and nonpecuniary compensatory damages and punitive damages.  
9

#### 10 JURISDICTION AND VENUE

11 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,  
12 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of  
13 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)  
14 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.  
15

16 2. The employment practices alleged to be unlawful were committed within the  
17 jurisdiction of the United States District Court for the District of Montana.

#### 18 PARTIES

19 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is  
20 the agency of the United States of America charged with the administration, interpretation and  
21 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of  
22 Title VII, 42 U.S.C. §2000e-5(f)(1).  
23

24 4. At all relevant times, defendant TNT has been a corporation continuously doing  
25 business in the State of Montana and has continuously had at least 15 employees.

5. At all relevant times, defendant TNT has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

## STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Baldwin filed a charge with the Commission alleging violations of Title VII by defendant TNT. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least February 18, 2005, defendant TNT engaged in unlawful employment practices at its Billings, Montana restaurant in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Defendant engaged in these unlawful practices by subjecting Ms. Baldwin and similarly situated female employees to sexual harassment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Baldwin and similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees of TNT because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Ms. Baldwin and similarly situated female employees.

## PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex against any individual.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Ms. Baldwin and similarly situated female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

D. Order defendant to make whole Ms. Baldwin and similarly situated female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order defendant to pay Ms. Baldwin and similarly situated female employees punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

1 The Commission requests a jury trial on all questions of fact raised by its complaint.

2 DATED this 27th day of September, 2007.

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